

REMARKS/ARGUMENTS

Claims 1-7, 9-12, 14-23, 25, 26, 46, and 62-69 are pending in the application. Claims 1-7, 9-12, 14-23, 25, 26, 46, and 62-69 stand rejected as obvious over Wharton (U.S. Appln No. 2005/0027610) in view of O'Leary (U.S. Pat. No. 6,704,714).

Claim Amendments

The amendment of independent method claim 1 and independent system claim 46 proposes a method and system of operating a computer system for data management of an electronic transaction in which a unique product and merchant identifying code entered by a customer on a wireless communication device is received in a transaction portal server via a wireless communication switching facility coupled over a global network to the transaction portal server, which then identifies a product and merchant associated with the code from a database storing product and merchant identifying code data for a plurality of merchants. See, e.g., Specification, p. 9, lines 1-18; p. 13, line 26-p. 15, line 22. The transaction portal server then retrieves product information data from a product database of a merchant server coupled to the transaction portal server over the global network and displays the product information data on a display screen of the wireless communication device for the customer. See, e.g., Specification, p. 15, line 23-p. 16, line 10.

The amendment of claims 1 and 46 proposes further that the transaction portal server receives the customer's indication to purchase the product entered on the wireless communication device and retrieves default payment method information for the customer from an electronic wallet server; See, e.g., Specification, p. 16, line 10-p. 17, line 7. Thereafter, the transaction portal server displays the default payment information on the display screen of the wireless communication device for the customer and receives payment option data comprising information describing a desired means of payment for the product entered by the customer on the wireless communications device. See, e.g., Specification, p. 17, line 7-p. 18, line 1.

The amendment of claims 1 and 46 additionally proposes that the transaction portal server transmits payment authorization data to a payment processor and receives a payment authorization from the payment processor; See, e.g., Specification, p. 18, lines 1-10. The transaction portal server then transmits order information to a check-out application of the merchant server and causes the electronic wallet server to complete payment and shipping information fields in an order fulfillment database of the merchant server. See, e.g., Specification, p. 18, lines 11-24. Thereafter, the transaction portal server receives order confirmation information from the merchant server and displays the order confirmation information on the display screen of the wireless communication device for the customer. See, e.g., Specification, p. 18, lines 25-29.

Claims 2, 3, 11, 17-22, and 26 are canceled and claims 4, 6, 12, 14-16, 23, 25, 62-65, and 68 are amended to address editorial issues resulting from the amendment of claim 1.

Support for the foregoing amendment is found throughout the specification and in the claims as detailed above. Accordingly, no new matter has been added.

Claim Rejections - 35 U.S.C. § 103

Claims 1-7, 9-12, 14-23, 25, 26, 46, and 62-69 stand rejected as unpatentable over Wharton (U.S. Appln No. 2005/0027610) in view of O'Leary (U.S. Pat. No. 6,704,714) under 35 U.S.C. § 103(a). The foregoing cancellation of claims 2, 3, 11, 17-22, and 26 renders the rejection of those claims moot. The rejection of claims 1, 4-7, 9, 10, 12, 14-16, 23, 25, 46, and 62-69 is respectfully traversed and reconsideration is requested.

There is no motivation to modify Wharton in view of O'Leary, and the proposed modification lacks one or more limitations recited in each of independent claims 1 and 46 in at least the following respects:

- The customer in Wharton communicates directly with the merchant's server (rather than the transaction processor) by clicking on a hyperlink selection of an electronic commerce portal and interacting directly with the merchant's server to conduct a local search and retrieval operation for the product on the merchant's local product catalog . See, e.g., Wharton, paras. 0036-0038. Thus Wharton fails to teach or suggest a transaction portal server that receives a unique product and merchant identifying code entered by the customer on a wireless communication device, that identifies a product and merchant associated with the code from a database of the transaction portal server, that retrieves product information data from a product database of a merchant server, and that displays the product information data on a display screen of the wireless communication device for the customer, as recited in amended claims 1 and 46.
- The customer in Wharton likewise saves his/her product selection to a local shopping basket on the merchant's server (rather than the transaction processor), which sends a "transaction packet" to the transaction processor and navigates the customer back to the electronic commerce portal, which then notifies the transaction processor, which transaction processor in turn prompts the electronic commerce portal for customer-specific payment information, such as credit card number and expiration date. See, e.g., Wharton, paras. 0038-0041. Thus, Wharton likewise fails to teach or suggest a transaction portal server that receives the customer's indication to purchase the product entered on the wireless communication device, that retrieves default payment method information for the customer from an electronic wallet server, and that displays the default payment information on the display screen of the wireless communication device for the customer, as also recited in amended claims 1 and 46.

- The transaction processor in Wharton itself via its backend processing (rather than via the merchant's server) processes the customer's checkout, including verifying the merchant and customer, accounting and billing, and order fulfillment. See, e.g., Wharton, paras. 0044-0053. Thus, Wharton fails to teach or suggest a transaction portal server that transmits order information to a check-out application of the merchant server and causes an electronic wallet server to complete payment and shipping information fields in an order fulfillment database of the merchant server, as additionally recited in amended claims 1 and 46.

O'Leary, which discloses an electronic wallet, fails to cure the deficiencies of Wharton for at least the following reasons:

- O'Leary is devoid of any teaching or suggestion of a transaction portal server that receives a unique product and merchant identifying code entered by the customer on a wireless communication device, that identifies a product and merchant associated with the code from a database of the transaction portal server, that retrieves product information data from a product database of a merchant server, and that displays the product information data on a display screen of the wireless communication device for the customer, as recited in amended claims 1 and 46.
- O'Leary is devoid of any teaching or suggestion of a transaction portal server that receives the customer's indication to purchase the product entered on the wireless communication device, that retrieves default payment method information for the customer from an electronic wallet server, and that displays the default payment information on the display screen of the wireless communication device for the customer, as also recited in amended claims 1 and 46.

- O'Leary is devoid of any teaching or suggestion of a transaction portal server that transmits order information to a check-out application of the merchant server and causes an electronic wallet server to complete payment and shipping information fields in an order fulfillment database of the merchant server, as additionally recited in amended claims 1 and 46.

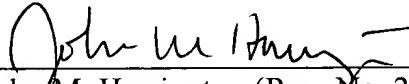
Consequently, Wharton and/or O'Leary, separately or in combination with one another, do not recite the required combination of limitations of amended independent claims 1 and 46. Because each and every element as set forth in amended independent claims 1 or 46 is not found, either expressly or inherently in Wharton and/or O'Leary, the Examiner has failed to establish the required *prima facie* case of unpatentability. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987); See also MPEP §2131. The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claims 1 and 46 and similarly has failed to establish a *prima facie* case of unpatentability for claims 4-7, 9, 10, 12, 14-16, 23, 25, and 62-69 that depend on claim 1 and which recite further specific elements that have no reasonable correspondence with the references.

Conclusion

In view of the foregoing amendment and these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the examiner is requested to reconsider and withdraw the rejection and to pass the application to issue. The examiner is respectfully invited to telephone the undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

Date: 9/8/05



John M. Harrington (Reg. No. 25,592)
for George T. Marcou (Reg. No. 33,014)

Kilpatrick Stockton LLP
607 14th Street, NW, Suite 900
Washington, DC 20005
(202) 508-5800